

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GLORIA MARIA ROSARIO,

Plaintiff,

-v-

KILOLO KIJAKAZI, ACTING COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.  
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20 Civ. 5490 (JPC)

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION

JOHN P. CRONAN, United States District Judge:

Plaintiff Gloria Maria Rosario brings this action seeking review of a final determination of the Commissioner of Social Security denying her application for Disability Insurance Benefits pursuant to 42 U.S.C. § 405(g). Dkt. 1 ¶ 2. The parties cross-moved for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c). *See* Dkts. 20, 24. By Order dated March 15, 2022, the Honorable Barbara C. Moses, to whom this case has been referred, issued a Report and Recommendation recommending that (1) Defendant’s motion be denied and (2) Plaintiff’s motion be granted. Dkt. 27 (“Report and Recommendation”) at 38.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge” in a Report and Recommendation. 28 U.S.C. § 636(b)(1)(C). If a party submits a timely objection to any part of the magistrate judge’s disposition, the district court will conduct a *de novo* review of the contested section. Fed. R. Civ. P. 72(b)(3); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). If no


objections are made, the Court reviews the Report and Recommendation for clear error. *See, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

The Report and Recommendation, citing both Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1), advised the parties that they had fourteen days from service of the Report and Recommendation to file any objections, and warned that failure to timely file such objections would result in waiver of any right to object. Report and Recommendation at 39. On March 24, 2022, the undersigned filed an order clarifying that “any objections to the report and recommendation, which are due March 29, 2022, should be directed to the undersigned.” Dkt. 28. No objections have been filed and the time for making any objections has passed. The parties have therefore waived the right to object to the Report and Recommendation or to obtain appellate review. *See Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992); *see also Caidor v. Onondaga County*, 517 F.3d 601 (2d Cir. 2008).

Notwithstanding this waiver, the Court has conducted a *de novo* review of the Report and Recommendation and finds it to be well reasoned and its conclusions well founded. Accordingly, the Court ADOPTS the Report and Recommendation in its entirety.

SO ORDERED.

Dated: March 30, 2022  
New York, New York

  
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JOHN P. CRONAN  
United States District Judge